

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMEL DALLUGE,

Plaintiff,

vs.

ATTORNEY JERRY MOBERG,

Defendants.

NO. CV-10-463-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING FIRST AMENDED
COMPLAINT

1915(g)

Magistrate Judge Imbrogno filed a Report and Recommendation on March 31, 2011, recommending Mr. Dalluge's First Amended Complaint be dismissed with prejudice for failure to state a claim upon which relief may be granted and such dismissal count as one under 28 U.S.C. § 1915(g). Plaintiff brought this action pursuant to 42 U.S.C. § 1983, the RICO Act, 18 U.S.C. § 1961, et seq., and purportedly under the "War Crime Sub Sec Genocide," against an attorney who represented Defendants in a previous action brought by Plaintiff. Attorneys who defend state officials in civil rights actions enjoy absolute immunity for their advocacy functions. *See Murphy v. Morris*, 849 F.2d 1101, 1105 (8th Cir. 1988).

There being no objections, the court **ADOPTS** the Report and Recommendation. The First Amended Complaint is **DISMISSED WITH PREJUDICE** under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings

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1 three or more civil actions or appeals which are dismissed as frivolous or for failure to
2 state a claim will be precluded from bringing any other civil action or appeal *in forma*
3 *pauperis* “unless the prisoner is under imminent danger of serious physical injury.” 28
4 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28**
5 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three**
6 **dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**
7 **future claims.**

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
9 Order, enter judgment, forward copies to Plaintiff at his last known address, and close
10 the file. The District Court Executive is further directed to forward a copy of this Order
11 to the Office of the Attorney General of Washington, Criminal Justice Division. The
12 court certifies any appeal of this dismissal would not be taken in good faith.

13 **DATED** this 11th day of May 2011.

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16 s/ Rosanna Malouf Peterson

17 ROSANNA MALOUF PETERSON
18 CHIEF UNITED STATES DISTRICT JUDGE
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